

REMARKS

[0003] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1, 3-25, 27-49, and 51-65 are presently pending. Claims amended herein are 1, 2, and 49. No claims are withdrawn, cancelled, or added herein.

Formal Request for an Interview

[0004] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0005] Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

Claim Amendments

[0006] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 25, and 49 herein. Applicant amends claims to clarify claimed features. Such amendments are made to expedite prosecution and more quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and

should not be construed as further limiting the claimed invention in response to the cited references.

FORMAL MATTERS

[0007] This section addresses any formal matters (e.g., objections) raised by the Examiner.

Claims

[0008] The Examiner objects to claims 3-5, 27-29, and 51-53 for containing duplicate elements.

[0009] Applicant notes that this is not the case, as the start control in the base claim is distinct from the start control claimed in the dependent claim. Applicant also directs the Examiner to page 7, paragraph 0020 which states "The exemplary user interface start page 202 can be displayed with any number of selectable controls 210." Applicant has constructed the claims accordingly.

SUBSTANTIVE MATTERS

Claim Rejections under § 112 2nd ¶

[0010] Claims 1, 25, and 49 are rejected under 35 U.S.C. § 112, 2nd ¶. Applicant respectfully traverses this rejection. Furthermore, in light of the amendments presented herein, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.



Claim Rejections under § 103

[0011] The Examiner rejects claims 1, 3-25, 27-49 and 51-65 under § 103. For the reasons set forth below, the Examiner has not made a prima facie case showing that the rejected claims are obvious.

[0012] Accordingly, Applicant respectfully requests that the § 103 rejections be withdrawn and the case be passed along to issuance.

[0013] The Examiner's rejections are based upon the following references alone in varying combination:

- **Apple:** *Apple*, (Mac OS X Version 10.1, Apple Computer Inc. Copyright 1983-2001, as evidenced by screenshots of Mac OS X 10.1 (Fig. 1-5));
- **Langer:** *Langer*, "Visual Quickstart Guide Mac OS X 10.1", Maria Langer, 2002);

- **Enin:** *Enin*, (Batch Launcher 1.0 Feb. 10, 2003 release);
- **Gnome:** *Gnome*, (GNOME 2.2.0 in RedHat 9, February 5, 2003 release; www.gnome.org/press – www.guidebookgallery.org/screenshots/gnome220redhat9);
- **Rathbone:** *Rathbone*, ("Windows XP for Dummies", 2001, Wiley Publishing, Inc., pp 17);
- **Ricart:** *Ricart*, (The Complete Idiot's Guide® to Linux, Second Edition); and
- **Grebler:** *Grebler*, ("Lindows Fast & Easy").

Overview of the Application

[0014] The Application describes a user interface start page. In one disclosed implementation, a user interface start page includes a user-identifiable indicator associated with a user of a computing system to indicate that the user is logged-on to the computing system. The user interface start page also includes user-selectable controls from one or more regions of a user interface desktop page which is displayed after a transition from the user interface start page to the desktop page. Each of the user-selectable controls on the user interface start page initiate a display of information associated with the user when selected. (Summary)

Cited References

[0015] The Examiner cites Apple as the primary reference in the obviousness-based rejections. The Examiner cites Langer and Enin as secondary references in the obviousness-based rejections.

Apple

[0016] Apple is a series of screenshots presumably gathered from sequences of the Apple Mac OS X Version 10.1 log-in sequence.

Langer

[0017] Langer is selected portions of a Visual QuickStart guide for Mac OS X 10.1.

Enin

[0018] Enin is a publisher's description and screenshot of a software called Batch Launcher 1.0.

Gnome

[0019] Gnome is a press release and screenshot of GNOME 2.2 a multi-platform desktop environment.

Rathbone

[0020] Rathbone is selected portions of the user reference book titled Windows XP for Dummies.

Ricart

[0021] Ricart is selected portions of the user reference book titled The Complete Idiot's Guide to Linux Second Edition.

Grebler

[0022] Grebler is selected portions of the book apparently titled Lindows Fast & Easy, which is "[a]n introduction to the new Lindows operating system, which is based on Linux."

OBVIOUSNESS REJECTIONS

Lack of *Prima Facie* Case of Obviousness (MPEP § 2142)

[0023] Applicant disagrees with the Examiner's obviousness rejections. Arguments presented herein point to various aspects of the record to demonstrate that not all of the criteria set forth for making a prima facie case have been met.

Based upon Apple, Langer, Enin, and Gnome

[0024] The Examiner rejects claims 1, 25, 48, and 49 under 35 U.S.C. § 103(a) as being unpatentable over Apple in combination with Langer, Enin, and Gnome. Applicant notes that all of the independent claims are rejected using this combination of art. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

Independent Claims 1, 25, and 49

[0025] Without conceding that the cited references constitute prior art, Applicant submits that the combination of Apple, Langer, Enin, and Gnome is both improper and does not teach or suggest at least the following elements as recited in these claims (with emphasis added):

- "a user interface start page displayed in response to user selection of the selectable logon control via the logon page, the user interface start page displayed to the user after a first transition from the logon page but prior to a second transition to a desktop page, ***wherein the user interface start page and the desktop page each include the user-identifiable indicator corresponding to the user,***"
- wherein the user-identifiable indicator is displayed ***uninterrupted throughout the first transition and throughout the second transition,***

[0026] The Examiner indicates (Action, p. 3-5) the following with regard to this portion of these claims:

- a. a logon page which is displayed to the user prior to logging onto the computing system, the logon page including a user-identifiable indicator corresponding to the user, wherein the user-identifiable indicator is associated with a selectable logon control on the logon page (Fig. 2, 3); and
- d. wherein the user interface start page (Fig. 5: 52) includes the user-identifiable indicator corresponding to the user (Fig. 5: 50),
 - e. wherein the user-identifiable indicator is displayed uninterrupted throughout the first transition (Fig. 3, 4, 5: 50) and throughout the second transition (Fig. 5: 50) ,
 - and

However, Apple does not explicitly disclose:

- h. wherein the desktop page includes the user-identifiable indicator corresponding to the user;

Gnome discloses a desktop environment including a desktop page,

- k. wherein the desktop page includes the user-identifiable indicator corresponding to the user (pg. 2, "midnite's Home".)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a user-identifiable indicator as taught by Gnome within an operating system of Apple. One would have been motivated to include the teaching of Gnome in Apple so as to provide a more user personalized desktop environment that is in line with the personalization already provided in Apple.

[0027] Firstly, Applicant submits the Examiner has not shown from the cited art all of the claimed features, particularly the highlighted text above.

[0028] Applicant notes from Apple Fig. 2, what the Examiner argues is a user identifiable indicator associated with a user selectable logon control as claimed. Assuming, *arguendo*, that this figure properly shows "a user identifiable indicator associated with a user selectable logon control", Applicant submits that the Examiner would need to show this same indicator on both a start page and a desktop page, in order to obviate the claim, as the claim presently recites "wherein the user interface start page and the desktop page each include the user-identifiable indicator corresponding to the user" as noted above.

[0029] Applicant submits the Examiner has *not* additionally shown "a desktop page [that] includes [this] indicator corresponding to the user" as claimed.

[0030] Applicant notes element 50 from Apple Fig. 5, which the Examiner cites as teaching the indicator appearing on a start page. For convenient reference, Fig. 5 is included below.

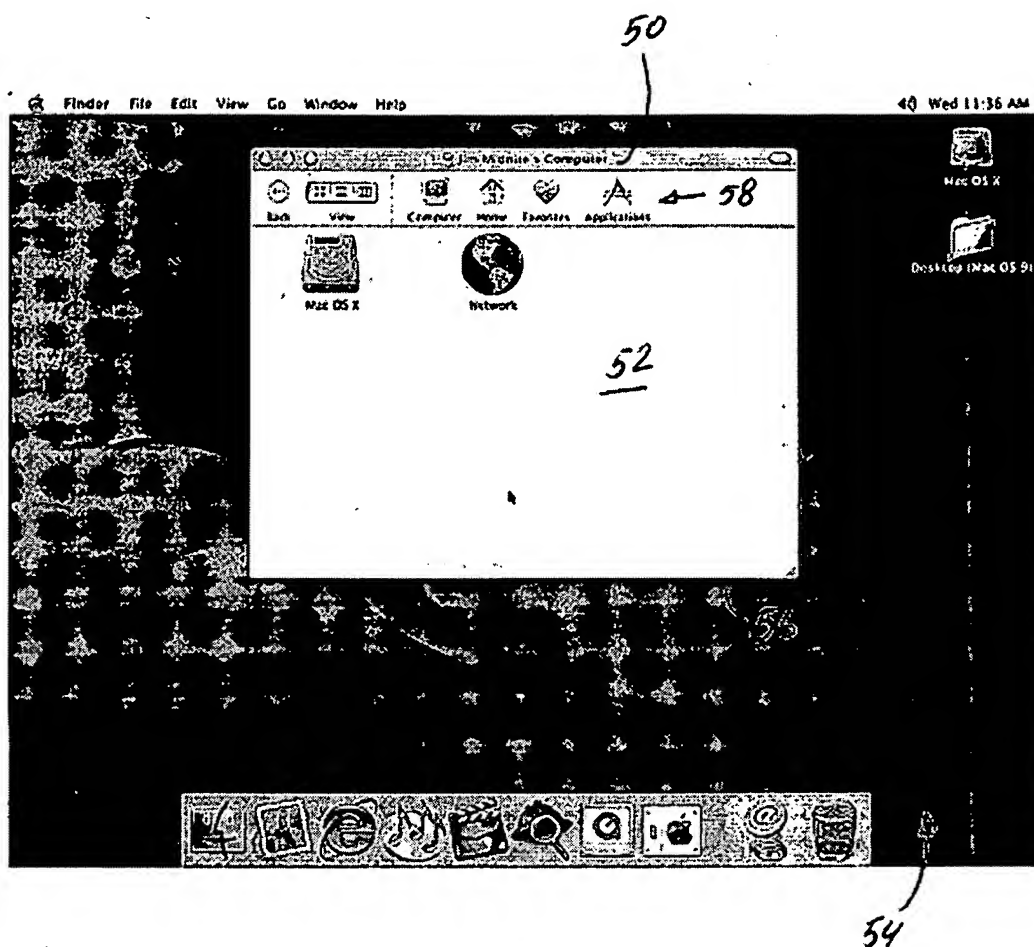


Fig. 5

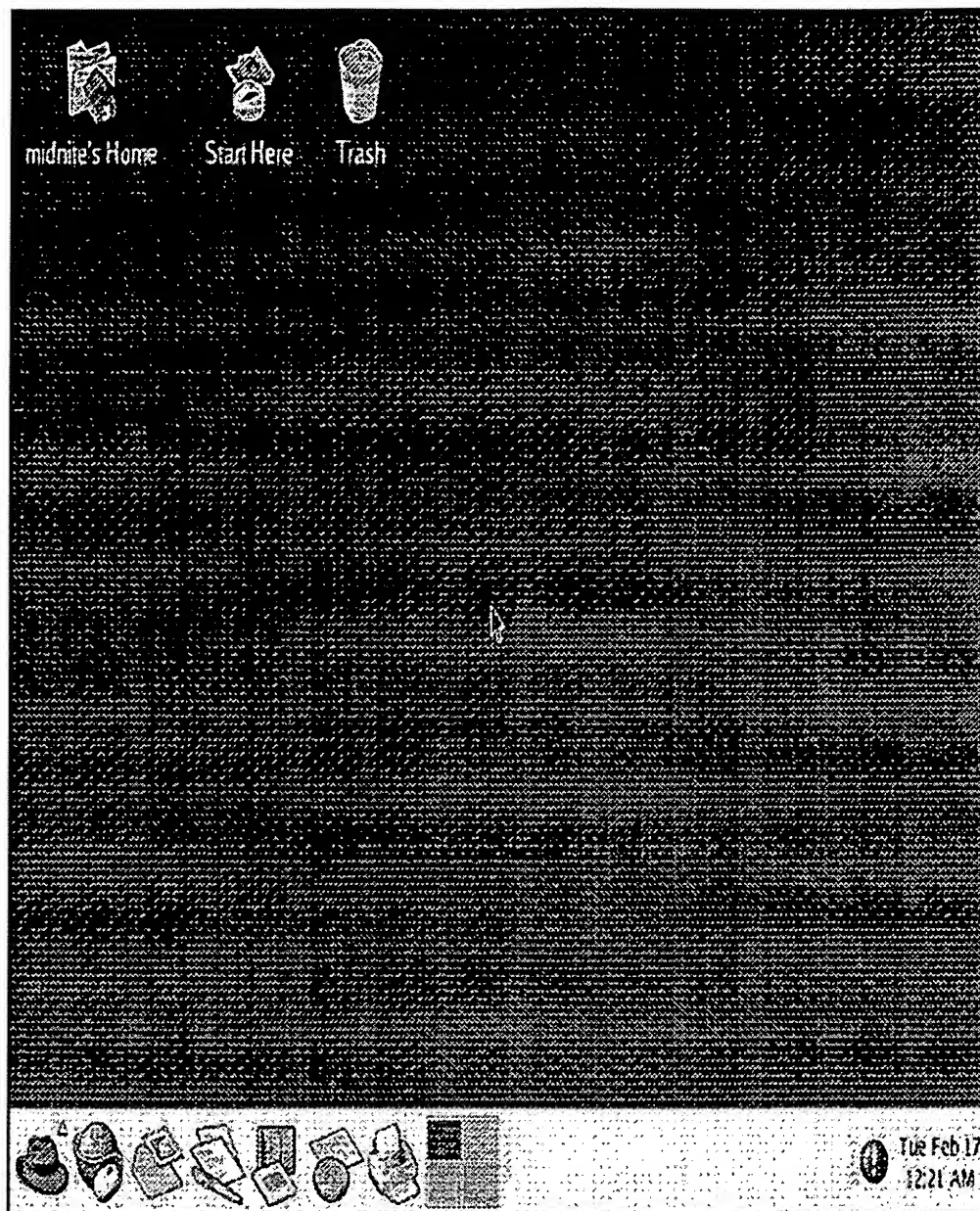
[0031] Applicant notes what the Examiner has labeled element 52, namely "Jim Midnite's Computer". Applicant notes the Examiner has cited no evidence that element 52 is a start page. Applicant submits that, without more, the Examiner has not shown "a start page that includes" "Jim Midnite's Computer".

[0032] More significantly, applicant notes from cited reference Gnome that "Jim Midnight's Computer" does not appear *anywhere* on what the Examiner has asserted to be a desktop.

[0033] The asserted desktop appears to include the following:

- a menu bar (at the bottom) with icons and a date and time indicator
- a file folder icon named "midnite's Home"
- an icon labeled "Start Here"
- a trash bin icon labeled "Trash" and
- a cursor in the middle of the desktop

as can be seen in the figure, as reproduced below:



First run in GNOME 2.2.0 on Redhat 9. The screenshot has an extra button (bottom).

[0034] Applicant notes that of these elements, the closest resemblance to "Jim Midnite's Computer", is the file folder labeled "midnite's Home."

[0035] Applicant submits that at best this shows only *a portion of* the indicator displayed on a logon screen and what the Examiner has asserted to be a start page.

[0036] Applicant notes from cited reference Rathbone Figure 4-1, images and text associated with a user including the text "Andy Rathbone" and "Tina Rathbone." Applicant submits that if only a portion of the indicator were present on the subsequent start and desktop pages, that confusion would result.

[0037] Applicant notes the Examiner admits that Apple does not teach this claimed feature. Applicant further notes that only Gnome is relied upon as teaching this feature, and submits that the remaining cited references do not teach this claimed feature.

[0038] Furthermore, Applicant submits the Examiner has not shown "wherein the user-identifiable indicator is displayed uninterrupted throughout the first transition and throughout the second transition. Indeed, the reference used as showing the transition is again Figure 5, element 50 (shown above) which the Examiner asserts is showing the user identifiable indicator on a start page.

[0039] However, assuming again that Fig. 5 element 52 is a start page, the Examiner has not shown a transition from that page to the desktop depicted in Gnome.

[0040] More significantly, the Examiner has not shown the claimed transition "wherein the user-identifiable indicator is displayed *uninterrupted* throughout".

[0041] Applicant submits that similar arguments apply to the claimed "first transition" as well, but are cumulative to the forgoing.

[0042] Secondly, Applicant submits, the Examiner has used impermissible hindsight reasoning in combining references.

[0043] Applicant submits as evidence of impermissible hindsight that without the guidance of the claims, the folder icon labeled "midnite's Home" in Gnome, would not be assumed to be anything more than a folder icon named "midnite's Home." Applicant respectfully requests the Examiner's assistance in determining his conclusion without the guidance of the claims.

[0044] As shown above, the combination of Apple, Langer, Enin, and Gnome does not teach or suggest all of the elements and features of this claim, and further, Applicant has shown evidence that Examiner has used impermissible hindsight reasoning in combining references, therefore the Examiner has not established a prima facie case of obviousness. Accordingly, Applicant asks the Examiner to withdraw the rejection of these claims.

Dependent Claims 3-24, 27-48, and 51-65

[0045] These claim groups ultimately depend upon independent claims 1, 25, and 49 respectively. As discussed above, claims 1, 25, and 49 are allowable. It is axiomatic that any dependent claim, which depends from an allowable base claim, is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Dependent Claims

[0046] In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

Conclusion

[0047] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call or email me at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC
Representatives for Applicant

_____/Randall T. Palmer 61,440/

Dated: 10/15/08

Randall T. Palmer (randy@leehayes.com; x261)

Registration No. 61,440

Kasey Christie (kasey@leehayes.com; x232)

Registration No. 40,559

Customer No. **22801**

Telephone: (509) 324-9256

Facsimile: (509) 323-8979

www.leehayes.com